

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 24, 1998

DIVISION TWO

Court convened at 9:15 A.M.

Present: Boren, P.J., Fukuto, J., Nott, J., Zebrowski, J., and G. Villanueva, Deputy Clerk.

B105359 People
 v.
 Dwight Eric W.

Merits:

Argued by Margaret Maxwell, Deputy Attorney General for respondent and by Fay Arfa for appellant. Cause submitted.

B113478 People
 v.
 Butler

Merits:

Argued by Michael Wise, Deputy Attorney General for respondent and by Ronnie Duberstein for appellant. Cause submitted.

B110423 People
 v.
 Corona

Merits:

Argued by Kenneth Sokoler, Deputy Attorney General for respondent and by Tracy Dressner for appellant. Cause submitted.

DIVISION TWO (Continued)

B106826 People
 v.
 Bussey

Merits:

Argued by William Davis, Deputy Attorney General for respondent and by Mike Horwitz for appellant. Cause submitted.

B103265 Nordyke
 v.
 Countrywide Credit

Merits:

Argued by Joel Goldman for appellant and by Eric Emanuel for respondent. Cause submitted.

B112324 Zurich Insurance
 v.
 TCI Enterprises Inc.

Merits:

Argued by Harvey Fruman for appellant and by Christine Drage for respondent. Cause submitted.

B110364 Fireman's Fund
 v.
 American Casualty

Merits:

Argued by Jaymeson Pegue for respondent and by Donald Carlson for respondents. Cause submitted.

Mr. Justice Fukuto leaves the bench.

DIVISION TWO (Continued)

B107781 Adams
 v.
 Siegel

Merits:
Argued by Paul Morantz for respondent and by David Barrett for appellant.
Cause submitted.

B114614 Allen
 v.
 Prudential Insurance

Merits:
Argued by Robert Westberg for respondent and by Steven Frankel for
appellant. Cause submitted.

B111197 Clancy
 v.
 Danielson
 (Barnwell, r.p.i.)

Merits:
Argued by James Clancy, in propria persona and by Barry Shanley and by
Alfred Calabro for respondents. Cause submitted.

B088221 M.S. Development Inc.
 v.
 State Compensation Insurance Fund

Merits:
Argued by Saied Kashani for appellant and by Justine Casey for
respondent. Cause submitted.

Court recessed.

DIVISION TWO (Continued)

The Court reconvened at 1:00 P.M.

Present: Boren, P.J., Fukuto, J., Nott, J., Zebrowski, J., and G. Villanueva, Deputy Clerk.

B108473 People
 v.
 Sanchez, et al.

Merits:
Argued by Steven Mathews, Deputy Attorney General for respondent and
by Angelyn Gates for appellant. Cause submitted.

B109562 Stone Roofing Company
 v.
 Bewley-Allen Cadillac

Merits:
Argued by John Ernster for appellant and by Scot Olken for respondent.
Cause submitted.

B095395 Macgregor Yacht Corp.
 v.
 State Compensation Insurance Fund

Merits:
Argued by Esteban Gallegos for respondent and by Christine Imre for
appellant. Cause submitted.

B116728 Wipranik, Yona
 v.
 Superior Court, Los Angeles County
 (Wipranik, Sheldon, r.p.i.)

Merits:
Argued by Michael Brouman for petitioner and by William Hilton for real
party in interest. Cause submitted.

Court adjourned.

DIVISION TWO (Continued)

B112532 Braud (Not for Publication)

v.

Biggs & Company, et al.

The judgment is reversed.

Boren, P.J.

I concur: Nott, J.

I dissent: Zebrowski, J. (Opinion)

DIVISION THREE

B108020 Hillard L. Torgan & Nancy G. Torgan (Not for Publication)

v.

Lawrence M. Dinovitz, et al.

The judgment is affirmed. Dinovitz is awarded costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
Aldrich, J.

DIVISION FOUR

B109768 People (Not for Publication)

v.

Lemus

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

February 24, 1998-Continued

DIVISION FOUR (Continued)

B110425 People (Not for Publication)
v.
Ruiz

The Court:

The judgment is affirmed.

Epstein, Acting P.J., Hastings, J., Baron, J.

B113062 People (Not for Publication)
v.
Saunders

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

[illegible]

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Baron, J.

DIVISION FOUR (Continued)

B108315 Department of Children & Family Services (Not for Publication)
 v.
 Laneata W.

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
 Baron, J.

B110890 People (Not for Publication)
 v.
 Sanchez

The judgment is affirmed with directions to the superior court to modify the judgment to indicate the striking of the misdemeanor conviction for simple assault.

Czuleger, J. (Assigned)

We concur: Vogel (C.S.), P.J.
 Epstein, J.

B102832 People (Not for Publication)
 v.
 Brown & Samuel

The judgments are affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

DIVISION FIVE

[illegible]

The judgment is modified to reflect that defendant is to receive 669 days of presentence credit, consisting of 447 actual credit and 222 days of conduct credit. As modified, the judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

295-98

THE HONORABLE , NORMAN L. EPSTEIN, Associate Justice of the Court of Appeal, 2nd Appellate District, Division Four, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division 5, as a justice thereof, from February 9, 1998, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: February 9, 1998

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

February 24, 1998-Continued

DIVISION FIVE (Continued)

B113434 People (Not for Publication)
v.
Jose R. Garcia

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B108489 Alice Marie Lovett (Not for Publication)
v.
Clifton Crosby et al.

The judgment is affirmed. Plaintiffs, Clifton Crosby and Lucille Jordan Davis, shall recover their cost on appeal from Alice Marie Lovett, individually and as the executrix of the estate of George Crosby.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B114176 People (Not for Publication)
v.
Michelle Neal

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

February 24, 1998-Continued

DIVISION FIVE (Continued)

B111385 People (Not for Publication)
v.
Larry Flanigan

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B112633 Eugenia Aguilar (Not for Publication)
v.
Remo, Inc. et al.

The judgment is affirmed. Defendants, Remo, Inc. and Freddy Shen, are to recover their costs on appeal from plaintiff.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

DIVISION SIX

B109938 People (Not for Publication)
v.
Medina

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

DIVISION SIX (Continued)

B110998 Brixey (Not for Publication)

v.
Brixey

The order denying his motion for modification or termination of support is affirmed. Respondent is awarded her costs on appeal.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

DIVISION SEVEN

B108359 People (Not for Publication)

v.
Adams

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
 Neal, J.

B106333 Hibler (Not for Publication)

v.
Southland Industries

The judgment is affirmed. Respondent is entitled to costs on appeal.

Lillie, P.J.

We concur: Woods, J.
 Neal, J.

DIVISION SEVEN (Continued)

B109693 Piccard Financial Group (Not for Publication)

v.

DSL Service Company, et al.

The judgment is affirmed. Respondent to recover its costs on appeal.

Lillie, P.J.

We concur: Johnson, J.

Neal, J.

B114592 Park Northridge Homeowners Association (Not for Publication)

v.

Superior Court, Los Angeles County

(Truck Insurance Exchange, et al., r.p.i.)

Let a peremptory writ of mandate issue directing the superior court to vacate its order compelling appraisal of the losses which are the subject of the claims alleged in the supplemental complaint and to enter a new order denying appraisal of such losses; in all other respects the petition for writ of mandate and/or prohibition is denied. Upon compliance with this writ, our order staying all proceedings in Los Angeles County Superior Court case number BC144906 is discharged. The parties are to bear their own costs on appeal.

Lillie, P.J.

We concur: Woods, J.

Neal, J.

B115260 Angela M. (Not for Publication)

v.

Superior Court, Los Angeles County

(Los Angeles County D.C.S., r.p.i.)

The petition is denied on the merits.

Johnson, J.

We concur: Lillie, P.J.

Neal, J.